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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,329	08/16/2000	Mehmet Kemal Ozkan	RCA 89399	4689

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,329

Applicant(s)

OZKAN ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 17-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 17-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/21/2004 have been fully considered but they are not persuasive.

Applicants argue none of the cited references, either taken single or in any combination, teach or suggest "a non-displayed map for associating an object with a program guide information item."; "a non-displayed map for associating said object files with said program guide information items."

In response, Ellis discloses receiver 12 receives transmitted program schedule data or application software and passes them data demodulator 13. Microcontroller 16 controls to captures electronic program guide application software updates and program guide data. The received data is then stored in a memory (i.e., DRAM 18) – col. 8, line 64-col. 9, line 50). The microcontroller then takes the program schedule information stored in the DRAM 18 and, in conjunction with other downloaded data types such as stored bit maps for the screen configuration and the graphic symbol or logo displays stored in non-volatile memory 20 and send to video generator 24, which takes the digital program schedule information and converts it to an format in accordance with bit map for the particular screen display (i.e., program guide listings –figures 18-19) then being presented to the user (col. 10, lines 13-29). The data displayed in program guide listings

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is organized in predetermined arrangement i.e., "JFK" is broadcast at 8:00 P.M on 6 HBO (figure 18). If the "JFK" comprises supplemental information, an "i" icon would also displayed associated with JFK (figure 19). Thus, there must be "a non-displayed map for associating an object with a program guide information", and "a non-displayed map for associating said object files with said program guide information items" (mapping data of program guide information and objects to generate program guide listings are performed on the background) so that the program guide data and objects are displayed at a predetermined location on the program guide listings.

Applicants further argue none of the cited references, either taken single or in any combination, teach or suggest "an object file decoding complexity level indicator, and a processor for disregarding object files of complexity level exceeding a predetermined level and for creating an image object from an object file and linking said image object to a program guide information item" because "complexity" is defined as "the condition of quality of being complex", and "Complex" is defined as "not simple; involved or complicated".

In response, examiner agrees with Applicants about the definitions of "complexity" and "complex". However, the examiner interprets program's rating, parental guidance category, titles, channel, etc. are complexity (condition of quality of being complex – not simple, involved, or complicated). Since Ellis discloses provides codes corresponding to a program's rating, parental guidance category, title or channel or unique digital

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identifier for each program along with its schedule information; and the data are filtered out and displayed according to the codes. For example, if a particular category is selected, only data correspond to the selected category is displayed on program guide listings (col. 25, lines 5-54, col. 27, line 48-col. 28, line 12; col. 33, lines 40-50).

Therefore, the Ellis teaches an object file decoding complexity level indicator, and a processor for disregarding object files of complexity level exceeding a predetermined level and for creating an image object from an object file and linking the image object to a program guide information item.

Applicants also argue none of the cited references, either taken single or in any combination, teach or suggest "an object file comprising application software for use in commanding a device, ... a processor for executing said application software to command said device in processing said listed program."

In response, Ellis discloses receiving electronic program guide application software, application software, program guide information, and stored them in a memory.

Microcontroller 16 and video generator 24 uses the program guide application software and program guide information to generate a program guide listings (col. 9, line 3-col. 29). The user navigates through the program schedule system using a remote controller. For example, the user selects interactive icon to view program or supplemental data associated with the selected icon (col. 10, line 61-col. 11, line 50; figures 18-21). Since the program guide listings is generated from the received

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electronic program guide application software, program guide information, and the program listings is used in commanding to access a program or supplemental data associated with particular icon, an object file must comprises application software for use in command a device (e.g., display, tuner, etc. – figure 1), ... a processor (i.e., microcontroller 16 or video generator 24) for executing the application software to command the device in processing the listed program.

For the reasons given above, rejections on claims 1-6, 17-24, 26-27 are discussed below.

Claims 7-16 and 25 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 17, 22-24, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 6,357,043) and in view of Menand et al. (US 5,563,648).

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Regarding claim 1, Ellis discloses electronic program schedule system 10 comprises receiver 12 for receives data stream from data provider. The data stream contains program schedule information for all television programs and other services available in the operator's geographical market. The data stream may additionally contain application software for implementing or updating the electronic program guide at the user site. The data stream is received by receiver 12 and passed to buffer or memory. Microcontroller 16 retrieves the stored program schedule information and stored software applications and passed them to video display generator (VDG) 23, which takes the digital program schedule information sent by the microcontroller 16 and converts it to an RGB format in accordance with the bit map for the particular screen display then being presented to the user on the television receiver 27 (col. 8, line 40- col. 10, line 29 and figure 1). The user uses the remote controller (figure 3) to select an icon on the screen and information associated with the selected icon is displayed (col. 11, lines 6-65). Inherently, Ellis teaches an apparatus (program schedule information system 10) for decoding packetized program data from at least a first source (data provider) to provide a program guide, comprising:

a processor (receiver 12) for acquiring program guide information (program schedule information) and for acquiring ancillary information (other services, and application software) in the packetized program data; the ancillary information including: a non – displayed map for associating an object with a program guide information item (a map that allow program guide information such as titles, channels, etc. to be mapped with associated object such as logo, icon, etc. at predetermined location on the program

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guide listings, the process of mapping is performed in the background – col. 9, line 4-col. 10, line 45);

a processor (16, 23) for executing a software application to create an object (icon/mode/program associated with the icon) and linking the object to a program guide information item; and

a display processor (VDG 23) for forming the composite image including the image object and the program guide information item to provide a program guide for display (figures 18-20). Ellis further discloses user selects different icon on the display screen to command the system to perform function that links to the selected mode/icon.

Therefore, executable software application files are associated with objects. However, Ellis does not specifically disclose a directory of executable software application files.

Menand teaches directory of executable software application files (col. 1, line 62-col. 2, line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Menand in order to provide an organized table of files thereby allowing desired file to be located easily.

Regarding claim 17, Ellis teaches the program schedule information system 10 reads on the apparatus as claimed where the receiver 12 reads on the processor for acquiring (figure 1 and col. 8, line 40 –col. 9, line 2);

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an object file reads on the services available in the operator geographical market such as application software (col. 8, line 50-col. 9, line 50) the application software and program guide information is used to generate the program guide listing. The user navigates the program listings to access desired data (col. 9, line 5-col. 10, line 45; figures 18-19). Thus, the application software for use in commanding a device; microcontroller 16 and VDG 23 read on the processor for using the ancillary information (figure 1 and col. 9, line 10-col. 10, line 45);

and associating the application software with a program guide information listed in the program guide information (use application software to perform function according to selected icon – col. 9, line 60 – col. 10, line 45). However, Ellis does not specifically disclose a directory.

Menand teaches directory for associating the application software with a program listed in the guide information (col. 1, line 62-col. 2, line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Menand in order to provide an organized table of files thereby allowing desired file to be located easily.

Regarding claim 22, Ellis teaches the program schedule information system reads on the apparatus as claimed where the receiver 12 reads on the processor for acquiring program guide information and ancillary information (figure 1 and col. 8, line 40-col. 9, line 2);

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an object file reads on the services available in the operator geographical market such as program along with its schedule information and application software (col. 8, line 50-col. 9, line 50, col. 33, line 40-65);

codes corresponding to a program's rating, parental guidance category, title or channel or unique digital identifier for each program along with its schedule information, read on the object file decoding complexity level indicator (col. 25, lines 5-54, col. 27, line 48-col. 28, line 12; col. 33, lines 40-50); VDG 23 reads on the display processor (col. 10, lines 15-46);

microcontroller 16 and VDG 23 for executing the ancillary information (figure 1 and col. 9, line 10-col. 10, line 46); Ellis further discloses the microcontroller prevents access to the locked program until an appropriate code is entered or the lockout is remove (see col. 21, lines 15-55) or disregarding (not displaying) programs associated with non-selected mode/categories and displaying only programs associated with selected mode/category- (col. 31, line 45-col. 32, line 18; col. 33, lines 50-65), and the user selects a mode/icon on the screen to display data associated with the selected icon (figures 6 -19). Necessarily, the processor (microcontroller or VDG) for disregarding object files of complexity level exceeding a predetermined level and for creating an image object (mode, icon, data, program, message, etc.) from an object file and linking the image object to a program guide information item. However, Ellis does not specifically disclose a directory.

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Menand teaches directory of object files associated with program guide information items (col. 1, line 62-col. 2, line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Menand in order to provide an organized table of files thereby allowing desired file to be located easily.

Regarding claim 23, the limitation of the storage medium as claimed correspond to the limitations the system as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1.

Regarding claims 24, 26, the limitations of method as claimed correspond to the limitations of system as claimed in claims 1 and 17 and are analyzed as discussed in the rejection of claims 1 and 17.

Regarding claim 27, Ellis teaches a method for forming packetized program data to be suitable for processing in a decoder (program schedule information system 10 – figure 1), comprising:

forming program guide information (program schedule information) and ancillary information including: object files associated with program guide information items; a non-displayed map for associating the object files with the program guide information items (col. 8, line 40-col. 9, line 20 – analyzed as discussed in the rejection of claim 1);

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incorporating the ancillary information and the program guide information into packetized data for output to a transmission channel (col. 8, line 40-col. 9, line 50). However, Ellis does not specifically disclose a directory.

Menand teaches directory of object files associated with program guide information items (col. 1, line 62-col. 2, line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Menand in order to provide an organized table of files thereby allowing desired file to be located easily.

4. Claims 1-6, 17-24, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 6,357,043) and in view of Chernock et al. (US 6,177,930).

Regarding claim 1, Ellis discloses electronic program schedule system 10 comprises receiver 12 for receives data stream from data provider. The data stream contains program schedule information for all television programs and other services available in the operator's geographical market. The data stream may additionally contain application software for implementing or updating the electronic program guide at the user site. The data stream is received by receiver 12 and passed to buffer or memory. Microcontroller 16 retrieves the stored program schedule information and stored software applications and passed them to video display generator (VDG) 23, which

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takes the digital program schedule information sent by the microcontroller 16 and converts it to an RGB format in accordance with the bit map for the particular screen display then being presented to the user on the television receiver 27 (col. 8, line 40-col. 10, line 29 and figure 1). The user uses the remote controller (figure 3) to select an icon on the screen and information associated with the selected icon is displayed (col. 11, lines 6-65). Inherently, Ellis teaches an apparatus (program schedule information system 10) for decoding packetized program data from at least a first source (data provider) to provide a program guide, comprising:

a processor (receiver 12) for acquiring program guide information (program schedule information) and for acquiring ancillary information (other services, and application software) in the packetized program data; the ancillary information including: a non – displayed map for associating an object with a program guide information item (a map that allow program guide information such as titles, channels, etc. to be mapped with associated object such as logo, icon, etc. at predetermined location on the program guide listings; the process of mapping is performed in the background – col. 9, line 4-col. 10, line 45);

a processor (16, 23) for executing a software application to create an object (icon/mode/program associated with the icon) and linking the object to a program guide information item; and

a display processor (VDG 23) for forming the composite image including the image object and the program guide information item to provide a program guide for display (figures 18-20). Ellis further discloses user selects different icon on the display screen to

command the system to perform function that links to the selected mode/icon.

Therefore, executable software application files are associated with objects. However, Ellis does not specifically disclose a directory of executable software application files.

Chernock teaches directory of executable software application files (directory 24 – figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Chernock in order to provide an organized table of files thereby allowing desired file to be located easily.

Regarding claim 2, Chernock teaches the directory of executable software application files lists a file associated with a user interface controls (navigation content table, hot spot- col. 3, line 55-col. 4, line 15).

Regarding claim 3, Ellis teaches the object comprises an icon representing a user selectable item for display (figures 18-19).

Regarding claim 4, Ellis teaches the ancillary information includes acquisition information for use in acquiring the ancillary information from a second source different to the first source (col. 8, lines 44-63); Ellis further discloses the set top box may be polled by the cable headend to determine if any orders are stored from transmission to the cable headend (col. 35, lines 62-67). Necessarily, the acquisition includes one of

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destination address such as IP address or telephone/fax/videophone number in order to allow the head end to poll the information stored in set top box.

Regarding claim 5, Ellis teaches the display processor provides the program guide for display in response to a user selection input command selecting between available program guide (figures 6, 18-19).

Regarding claim 6, Ellis teaches the ancillary information includes an object complexity level indicator (codes corresponding to a program's rating, parental guidance category, title or channel – col. 25, line 45+); and the apparatus disregards objects of complexity level exceeding a predetermined level (microcontroller prevents access to the locked program until an appropriate code is entered or the lockout is remove – see col. 21, line 15+).

Regarding claim 17, Ellis teaches the program schedule information system 10 reads on the apparatus as claimed where the receiver 12 reads on the processor for acquiring (figure 1 and col. 8, line 40 –col. 9, line 2);

an object file reads on the services available in the operator geographical market such as application software (col. 8, line 50-col. 9, line 50) the application software and program guide information is used to generate the program guide listing. The user navigates the program listings to access desired data (col. 9, line 5-col. 10, line 45; figures 18-19). Thus, the application software for use in commanding a device;

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microcontroller 16 and VDG 23 read on the processor for using the ancillary information (figure 1 and col. 9, line 10-col. 10, line 45);

and associating the application software with a program guide information listed in the program guide information (use application software to perform function according to selected icon – col. 9, line 60 – col. 10, line 45). However, Ellis does not specifically disclose a directory.

Chernock teaches directory (directory 24 – figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Chernock in order to provide an organized table of files thereby allowing desired file to be located easily.

Regarding claim 18, Ellis teaches the application software performs at least one of the functions: command the apparatus to tune to a particular broadcast video/audio channel (col. 15, lines 25-64).

Regarding claim 19, Ellis discloses the transmitted data stream contain application software for implementing or updating the electronic program guide at the user site (col. 8, lines 62-col. 9, line 20). Ellis further discloses the received application software controls the program schedule system (col. 9, line 20-col. 10, line 45). Necessarily, the application software comprises at least one of a Java file, an Active X file, and a decoder supported software language file.

Regarding claim 20, Chernock teaches the directory lists a file associated with a user interface controls (navigation content table, hot spot- col. 3, lines 55-67).

Regarding claim 21, Ellis teaches the ancillary information includes an object complexity level indicator (codes corresponding to a program's rating, parental guidance category, title or channel – col. 25, lines 45-67 or unique digital identifier for each program along with its schedule information- col. 33, line 40-65); and the apparatus disregards objects of complexity level exceeding a predetermined level (microcontroller prevents access to the locked program until an appropriate code is entered or the lockout is remove – see col. 21, lines 15-55 or disregarding programs associated with non-selected mode/categories and displaying only programs associated with selected mode/category- col. 31, line 45-col. 32, line 8, col. 33, lines 40-65, figures 18-20).

Regarding claim 22, Ellis teaches the program schedule information system reads on the apparatus as claimed where the receiver 12 reads on the processor for acquiring program guide information and ancillary information (figure 1 and col. 8, line 40-col. 9, line 2);

an object file reads on the services available in the operator geographical market such as program along with its schedule information and application software (col. 8, line 50-col. 9, line 50, col. 33, line 40-65);

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codes corresponding to a program's rating, parental guidance category, title or channel or unique digital identifier for each program along with its schedule information, read on the object file decoding complexity level indicator (col. 25, lines 5-54, col. 27, line 48-col. 28, line 12; col. 33, lines 40-50); VDG 23 reads on the display processor (col. 10, lines 15-46);

microcontroller 16 and VDG 23 for executing the ancillary information (figure 1 and col. 9, line 10-col. 10, line 46); Ellis further discloses the microcontroller prevents access to the locked program until an appropriate code is entered or the lockout is remove (see col. 21, lines 15-55) or disregarding (not displaying) programs associated with non-selected mode/categories and displaying only programs associated with selected mode/category- (col. 31, line 45-col. 32, line 18; col. 33, lines 50-65), and the user selects a mode/icon on the screen to display data associated with the selected icon (figures 6 -19). Necessarily, the processor (microcontroller or VDG) for disregarding object files of complexity level exceeding a predetermined level and for creating an image object (mode, icon, data, program, message, etc.) from an object file and linking the image object to a program guide information item. However, Ellis does not specifically disclose a directory.

Chernock teaches directory (directory 24 – figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught by Chernock in order to provide an organized table of files thereby allowing desired file to be located easily.

Regarding claim 23, the limitation of the storage medium as claimed correspond to the limitations the system as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1.

Regarding claims 24, 26, the limitations of method as claimed correspond to the limitations of system as claimed in claims 1 and 17 and are analyzed as discussed in the rejection of claims 1 and 17.

Regarding claim 27, Ellis teaches a method for forming packetized program data to be suitable for processing in a decoder (program schedule information system 10 – figure 1), comprising:

forming program guide information (program schedule information) and ancillary information including: object files associated with program guide information items; a non-displayed map for associating the object files with the program guide information items (col. 8, line 40-col. 9, line 20 – analyzed as discussed in the rejection of claim 1); incorporating the ancillary information and the program guide information into packetized data for output to a transmission channel (col. 8, line 40-col. 9, line 50). However, Ellis does not specifically disclose a directory.

Chernock teaches directory (directory 24 – figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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Ellis to use the teaching as taught by Chernock in order to provide an organized table of files thereby allowing desired file to be located easily.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nonomura et al. (US 6,118,445) teaches system stream reproduction control information editing apparatus and a recording medium on which the method used therein is recorded.

Tanigawa et al. (US 5,973,681) teaches interactive data communication system with unidirectionally transmitted broadcast wave.

Yuen et al. (US 6,583,825) teaches method and apparatus for transmitting and downloading set up information.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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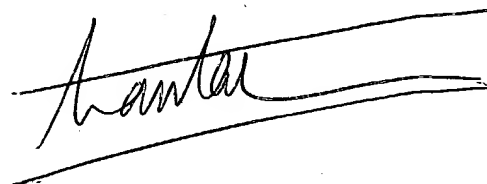
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
October 13, 2004

A handwritten signature in black ink, appearing to read 'Son P. Huynh', is written over two horizontal lines.

HAITRAH
PATENT EXAMINER